

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NICHOLAS TYLER WRASPIR,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-1065-D
)	
OFFICER COLT LOWRY, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is United States Magistrate Judge Shon T. Erwin’s Report and Recommendation [Doc. No. 41] filed pursuant to 28 U.S.C. § 636(b)(1). Judge Erwin recommends dismissing this action without prejudice for failure to comply with the Court’s orders—specifically, for failing to serve Defendant Stevens or notify the Court of a possible change of address.

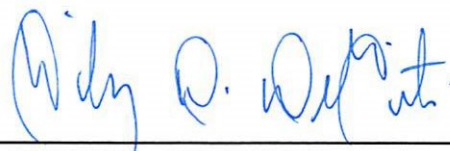
The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline for doing so, and the firm waiver rule. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

In this instance, as the Report indicates, the lack of response may be due to some confusion about Plaintiff’s most recent address. The Court mailed its March 14 Order [Doc. No. 39], granting Plaintiff additional time to serve Defendant Stevens, to both of Plaintiff’s known addresses. There is no indication that Plaintiff did not receive the Court’s orders. Furthermore, even if the Order was returned as undeliverable, “[p]apers sent by the court

will be deemed delivered if sent to the last known address given[.]” LCvR5.4. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See id.*; *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 41] is **ADOPTED** in its entirety. Plaintiff’s action is **DISMISSED** without prejudice. A separate Judgment shall be entered accordingly. Defendant Stevens’ Motion to Dismiss, or in the Alternative, Motion for Summary Judgment and Brief in Support [Doc. No. 32] is **DENIED** as moot.

IT IS SO ORDERED this 30th day of May 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge